

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.265 of 2024

Arising Out of PS. Case No.-426 Year-2023 Thana- BARAUNI District- Begusarai

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1. Md. Amir @ Md. Israfil @ Israfil S/O MD. SOAIB @ MD. SOYEB @ MD. SHOEB VILLAGE- NINGA, (NIGA) WARD NO. 10, NINGA ADDA CHOWK, PS. BARAUNI, DIST. BEGUSARAI.
 2. MD. IBRAHIM S/O MD. SOAIB @ MD. SOYEB @ MD. SHOEB VILLAGE- NINGA, (NIGA) WARD NO. 10, NINGA ADDA CHOWK, PS. BARAUNI, DIST. BEGUSARAI.

... .. Appellant/s

Versus

1. The State of Bihar
2. KARAN KUMAR S/O TANTI VILLAGE- NINGA, (NIGA), PS. BARAUNI, DIST. BEGUSARAI.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sandip Kr Gautam, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-06-2025 Heard Mr. Sandip Kr Gautam, learned counsel for

the appellants as well as Mr. Sadanand Paswan, learned Spl.P.P.

for the State.

2. Despite valid service of notice upon Respondent
No.2, no one appeared on behalf of Respondent No.2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
23.11.2023 passed by the learned Court of Exclusive special
Judge, SC/ST (POA) Act, Begusarai in connection with Barauni
P.S. Case No. 426 of 2023, F.I.R. dated 16.08.2023 registered



under Sections 341, 323, 384, 448, 504, 506, 34 of the Indian Penal Code and Sections 3 (i) (r) (s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that on 14.08.2023, the appellants along with other accused persons arrived at his house and abused him by caste name and assaulted him by fist and slaps and also demanded Rs.20,000/- from him.

5. Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the present case. There is case and counter case between the parties. It appears from FIR that the informant belongs to Tanti/Tantwa community and by virtue of the notification of the State Government they had become the SC/ST category but after the judgment of the Hon'ble Supreme Court the informant has been excluded from the list of SC/ST category, in view of the aforesaid judgment, no case is made out against SC/ST Act and as far as allegation of assault is concern no specific allegation of assault or overt act against these appellants rather the allegation levelled against them is general and omnibus.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants and



submits that appellant no.1 carries one criminal antecedent and appellant no.2 carries two criminal antecedent but fairly submits on the basis of paragraph-3 of the bail application that both the appellants are on bail in the pending matters.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts and circumstances and in view of the judgment of the Hon'ble Supreme Court the informant has been excluded from the list of SC/ST category, in view of the aforesaid judgment, no case is made out against SC/ST Act, let the appellants, above named, in the event of their arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two surities of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Barauni P.S. Case No. 426 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-



i. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the appellants tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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